

04772 U.S. PTO  
032304

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

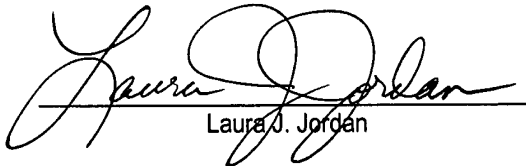
17510 U.S. PTO  
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032304

CERTIFICATE OF MAILING OR TRANSMISSION

"Express Mail" mailing label number: ER394245949US

Date of Deposit: 23 March 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR, Section 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by

  
Laura J. Jordan

**Present Application:**

Applicant: Ronald A. Schmaltz  
Title: **VALVE FOR CONTROLLING FLUID FLOW THROUGH  
A TUBE, AND RELATED SYSTEMS AND METHODS**  
Attorney Docket No.: 1993-1-5

**Pending Prior Application:**

Applicant: Ronald A. Schmaltz  
Serial No.: 10/116,571  
Filing Date: 3 April 2002  
Title: **VALVE FOR CONTROLLING FLUID FLOW THROUGH  
A TUBE, AND RELATED SYSTEMS AND METHODS**  
Examiner/Unit: John K. Fristoe Jr./3754  
Attorney Docket No.: 1993-1-3

### REQUEST FOR FILING APPLICATION UNDER 37 CFR 1.53(b)

The following items designated with an "X" are requested or enclosed with this transmittal letter:

This is a request for filing a continuation \_\_\_\_, continuation-in-part \_\_\_\_, or **divisional** X application under 37 CFR 1.53(b) of pending prior application identified above.

1. X A filing date in accordance with 37 CFR 1.10 is requested. (Express mail certificate appears on this transmittal letter.)
2. X A true copy of the prior application including declaration as originally filed is enclosed. (See Nos. 9 and 10 for drawing requirements.)
3. X The filing fee is calculated below:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW,  
PLUS CLAIMS ADDED BY PRELIMINARY AMENDMENT, IF ANY

	Number Filed		Number Extra		Basic Fee \$770/\$385
Total Claims	10	- 20 =	0	X \$18/\$9 =	\$0.00
Independent Claims	1	- 3 =	0	X \$86/\$43 =	\$0.00
Multiple Dependent Claims	---	---	\$260/\$130=		\$0.00
Total Filing Fee					<b><u>\$385.00</u></b>

4. X Applicant claims small entity status.
5. X Check No. 21860 for the above calculated filing fee is enclosed.
6. X Please charge any additional fee or credit any overpayment to Deposit Account No. 07-1897.

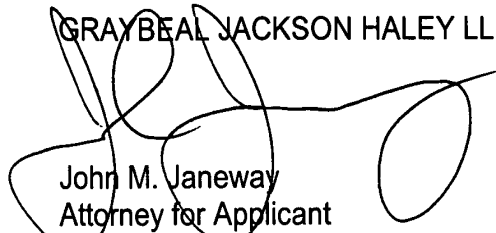
7. ☐ Enter the amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 but unentered in the prior application.
8. ☒ A preliminary amendment is enclosed.
9. ☐ Transfer the drawings from prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
10. ☒ New drawings (3 sheets) identical to those originally filed in the prior application and amended in applicant's response dated 21 January 2004, are enclosed.
11. ☒ Priority of U.S. application Serial No. 10/116,571, filed on 3 April 2002, is claimed under 35 USC 120.
12. ☐ Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_, in (country) is claimed under 35 USC 119.
13. ☐ The prior application is assigned to \_\_\_\_\_, Inc., Reel \_\_\_\_\_, Frame \_\_\_\_\_.
14. ☒ The original power of attorney in prior application is to: John M. Janeway, Reg. No. 45,796, and all attorneys associated with Customer Number 000996. The power appears in the original papers in the prior application (copy enclosed).
15. ☐ A second power of attorney in prior application is to: \_\_\_\_\_ The second power appears in the original papers in the prior application.
16. ☐ An associate power of attorney is enclosed.
17. ☒ Also enclosed: Information Disclosure Statement with 30 total cited references.

Please address all future correspondence to John M. Janeway at the following address:

Mr. John M. Janeway  
Graybeal Jackson Haley LLP  
155 - 108th Avenue NE, Suite 350  
Bellevue, WA 98004-5973  
e-mail: [jjaneway@graybeal.com](mailto:jjaneway@graybeal.com)

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP



John M. Janeway  
Attorney for Applicant  
Registration No. 45,796  
155 - 108th Avenue NE, Suite 350  
Bellevue, WA 98004-5973  
(425) 455-5575

FILE COPY

PATENT APPLICATION - CERTIFICATE OF MAILING

Inventors: Ronald Anthony Schmaltz

Title of Invention: **VALVE FOR CONTROLLING FLUID FLOW THROUGH A  
TUBE, AND RELATED SYSTEMS AND METHODS**

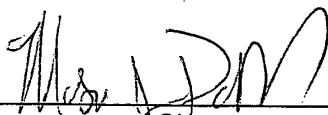
Attorney Dkt. No.: 1993-1-3

CERTIFICATE OF MAILING OR TRANSMISSION

"Express Mail" mailing label number: EJ760077173USUS

Date of Deposit: April 3, 2002

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\_\_\_\_\_  
Signature

Enclosures:

Utility Patent Application Transmittal

Fee Transmittal

Application (17 pages)

Drawings (3 pages)

Declaration

Power of Attorney

Check No. 184441 for \$448.00 filing fee

Return postcard

Please type a plus sign (+) inside

box



PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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04772 U.S. PTO  
032304

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No.

1993-1-3

First Inventor

Ronald Anthony Schmaltz

Title

VALVE FOR CONTROLLING FLUID FLOW THROUGH A TUBE,  
AND RELATED SYSTEMS AND METHODS

Express Mail Label No.

EJ760077173US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 17]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the invention
  - Brief Summary of the invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
5. Oath or Declaration [Total Pages     ]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☒ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Express Mail Certificate EJ760077173US

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No:      /     

Prior application information: Examiner     

Group / Art Unit:     

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label



00996

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

John M. Janeway

Registration No. (Attorney/Agent)

45,796

Signature

Date

April 3, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

Complete if Known

**TOTAL AMOUNT OF PAYMENT** (\$) 448

Application Number

Filing Date

April 3, 2002

First Named Inventor

Ronald Anthony Schmaltz

Examiner Name

Group / Art Unit

Attorney Docket No.

1993-1-3

**METHOD OF PAYMENT (check one)**

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

07-1897

Deposit  
Account  
Name

Graybeal Jackson Haley LLP

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR 1.16 and 1.17
- 
- ☒
- Applicant claims small entity status.
- 
- See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

- ☒
- Check
- ☐
- Credit card
- ☐
- Money
- 
- Order
- ☐
- Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity (\$)	Small Fee Code	Entity (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1)**

(\$ 370)

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
24	-20 ** = 4	X 9 = 36	
Independent Claims	4	-3 ** = 1	X 42 = 42
Multiple Dependent		X	= 0

Large Fee Code	Entity (\$)	Small Fee Code	Entity (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

(\$ 78)

\*\*or number previously paid, if greater; For Reissues, see above

**3. ADDITIONAL FEES**

Large Fee Code	Entity (\$)	Small Fee Code	Entity (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$ 0)

**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)

John M. Janeway

Registration No. Attorney/Agent)

45,796

Telephone

(425) 455-5575

Signature

Date

April 3, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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